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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,425	08/29/2000	Kenneth E. Flick	58072	8740
27975	7590	10/27/2004	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/650,425	FLICK, KENNETH E.
	Examiner Brent A Swarthout	Art Unit 2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 30 August 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-7,9-17,19-23 and 25-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,9-17,19-23 and 25-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1,3,5-7,9-11,13,15-17,19,21-23,25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al., or Mueller et al. in view of Adamo.

Mueller teaches a vehicle security system with sensors 250, controller means 200, a siren 33, shock detector circuit 250, and means 252/254 for causing a siren to sound responsive to a security alarm signal, and for controlling a signal 228/242 responsive to detected shock, except for specifically disclosing use of a housing, for carrying the siren generator, shock detector and transducer for causing siren to sound.

However, since Mueller discloses use of a housing for receiver/controller 14 (see Fig. 1), choosing to provide a housing for other components of the alarm system would have been obvious to one of ordinary skill in the art, in order to protect components from damage due to environmental and positioning factors, such as moisture, rocks, tar, engine heat, etc.

Furthermore, choosing to take plural known components and make integral in a common housing would have been an obvious matter of

engineering choice, lacking some unexpected result (see *In re Larson*, 340 F.2d 965 968 144 USPQ 347, 349 (CPA 1965)).

In the present claims, no housing structural elements are claimed which would have led to an unexpected result by placing plural components within the housing. The claim merely recites "a common housing" for carrying the components.

Choosing to use a housing with plural components would have been an obvious manner of engineering choice, based on such factors as whether a new vehicle was used or alarm was a retro-fit, available space in engine compartment, desirability for replacement of a whole alarm system for maintenance versus replacement of individual elements, and other considerations which would have been obvious to an ordinarily skilled artisan.

Furthermore, Adamo teaches desirability of using a common housing 85 to house a vehicle security alarm system including shock sensing means 17 and siren means 91 (Fig. 5, col.6).

It would have been obvious to use a common housing as suggested by Adamo in conjunction with the alarm system in an engine compartment as suggested by Mueller, in order to provide for a better protected, more easily maintainable, installable and replaceable vehicle security system, for the reasons as given previously with regard to Mueller. Also, placing a housing inside an engine compartment would

have been obvious to one of ordinary skill in the art, in order to prevent tampering, since it is common to lock engine compartments to prevent access thereto except by authorized persons.

Regarding claim 3, Mueller has armed/disarmed modes (col.7, line 9).

Regarding claims 5-6, Mueller teaches providing different levels of alarm based on shock intensity (col.7, line 60- col.8, line 2; col.8, lines 40-58).

Regarding claim 7, siren 33 would have inherently included some type of speaker means.

Regarding claims 9-10, Mueller teaches use of receiver 14 and remote transmitter 20, the transmitter capable of sending different codes (col.5, line 15; col. 13, lines 9-20).

2. Claims 2,12,20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al., or Mueller et al. in view of Adamo, either further in view of Suda.

Suda discloses a vehicle security system wherein the security system is disabled when ignition is turned on (col.7, lines 1-5).

It would have been obvious to use a system disabled command upon engine ON condition in a system as disclosed by Mueller, or Mueller and Adamo, in order to prevent false alarms.

3. Claims 4, ~~8, 14, 18, 24 and 30~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al., or Mueller et al. in view of Adamo, either further in view of L'Esperance et al.

L'Esperance teaches a vehicle security system employing both a shock sensor 44 and hood switch 16.

It would have been obvious to use a hood switch in combination with a shock sensor in a vehicle security system as disclosed by Mueller, in order to protect a vehicle from a larger number of intrusions.

Since L'Esperance teaches that hood switch and shock sensor are directly connected via means 10, choosing to operatively couple the two sensors in a system as taught by Mueller, or Mueller and Adamo would have been obvious, merely depending on the locations of the sensors in the vehicle, since they would both be interconnected to the system controller.

~~Regarding claim 8, since L'Esperance discloses hood switch mounted within engine compartment, choosing to place other security system components under the hood would have been obvious, in order to provide protection from the elements and tampering.~~

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Brent Swarthout*  
Brent A Swarthout  
Examiner  
Art Unit 2636

**BRENT A. SWARTHOUT**  
**PRIMARY EXAMINER**